

# Order

Michigan Supreme Court  
Lansing, Michigan

March 23, 2011

Robert P. Young, Jr.,  
Chief Justice

141849

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 141849  
COA: 299922  
Lenawee CC: 09-014205-FH

RANDI MARIE CARR,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the September 30, 2010 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Lenawee Circuit Court, and we REMAND this case to that court for resentencing. The trial court committed plain legal error in scoring Offense Variable (OV) 1 because the defendant did not use the methadone against her child as a weapon, as is required to score the variable. MCL 777.31. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



d0316

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 23, 2011

*Corbin R. Davis*

Clerk